



# **San Diego City Attorney MICHAEL J. AGUIRRE**

## **NEWS RELEASE**

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### **CODE ENFORCEMENT VIOLATORS HELD ACCOUNTABLE FOR PUBLIC NUISANCE & HOUSING VIOLATIONS**

**San Diego, CA:** City Attorney Michael J. Aguirre today presented two local community groups with checks from defendants who were found guilty of harming neighborhoods with public nuisance and housing violations. In the first case, the Ocean Beach Community Development Corporation was awarded \$8,000 from defendants who maintained unregistered and dilapidated buses at 4975 Voltaire Street, which attracted transients and drug use. The San Diego Rescue Mission received \$5,000 from a property owner who was civilly prosecuted for renting substandard housing to a family of seven in Logan Heights. Both checks were ordered by the Court as creative sentencing requirements aimed at restoring to the community the harm caused by those violations.

"These two cases are excellent examples of restorative justice," said City Attorney Michael Aguirre. "Both cases were successfully prosecuted by the City Attorney's Code Enforcement Unit."

The Code Enforcement Unit is a specialized unit within the City Attorney's Office devoted to aggressively enforcing land use and public nuisance laws in San Diego's neighborhoods. The Unit is at the forefront addressing public nuisance and blight through community policing and partnerships with community groups and other agencies such as the San Diego Police Department and the City's Neighborhood Code Compliance Department.

The City Attorney's Code Enforcement Unit regularly implements the concept of "restorative justice" to bring positive community change to local neighborhoods. Restorative justice emphasizes restitution on a very local level by requiring local offenders to contribute back to the communities they harmed. In essence, prosecutors work with neighborhoods to address their problems and act as a sort of liaison between the offenders and the community by requiring them to answer directly to the people affected by the illegal conduct. This unique community-based remedy attempts to make whole a community which would otherwise merely have to cope with the fallout produced by illegal activity.

#### **BACKGROUND: FIRST CASE: 4975 VOLTAIRE ST**

The community of Ocean Beach had to live for years with the public nuisance the defendants maintained at this property located at 4975 Voltaire Street in the City of San Diego. In violation of the San Diego Municipal Code, defendants (a father and son) stored eight unregistered, old and dilapidated buses on the Property. These buses were a haven for illegal activities. The owners' failure to maintain and control their property attracted transients and drug users to take refuge in the buses to conduct their illicit activities. Daily,

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neighbors saw transients climbing over the fence with sleeping bags and their belongings. The community had to deal with the negative impact of this public nuisance property such as the constant stream of transients, drug use, and vandalism.

The Code Enforcement Unit took this case to trial in criminal court. The jury convicted the defendants on all counts in August 2003. At that time, the Court, at the recommendation of the City Attorney's Office, sentenced each defendant to pay \$4,000 each to the Ocean Beach Community Development Corporation as restorative justice. The restitution order was stayed pending the appeal. After the defendants exhausted their appeals, defendants moved to modify their probation by reducing the restitution amount.

On January 20, 2005, Code Enforcement Unit Deputy City Attorney Johanna Canlas successfully argued before Superior Court Judge Browder Willis, that defendants' probation should not be modified. Judge Willis denied defendants' motion and lifted the stay on the \$4000 restitution for each defendant. Judge Willis ordered \$8000 in restorative justice be paid to the Ocean Beach Community Development Corporation.

### **SECOND CASE: 2809 IMPERIAL AVENUE**

The second case involved a property with a single family residence with significant substandard housing violations. The owner, an absentee landlord had been unresponsive to the tenants' requests for repairs of the property. A family of seven, with five minor children, lived in squalor. The structure was poorly maintained--the windows were broken and boarded up and the foundation was deteriorated. Through the Code Enforcement Unit's close partnership with San Diego Police Department Central Division and the City's Neighborhood Code Compliance Department, the case was referred to the City Attorney's Office.

The Code Enforcement Unit prosecuted the owner civilly and as part of the settlement agreement, the property owner paid almost \$12,000 in civil penalties, investigative costs and donations. The family was relocated and the rehabilitation of the property is underway. The Stipulated Final Judgment required the owner to donate \$5,000, as restorative justice, to a non-profit charitable organization assisting the local homeless population. The owner has forwarded a check in the amount of \$5,000 to the San Diego Rescue Mission, which provides services to the homeless.

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